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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,707	03/24/2004	Rex A. Parris	E R K - 2004	5616
7590	06/15/2005			
Eric R. Katz 2007 Towne Lake Heights Woodstock, GA 30189			EXAMINER BOLLINGER, DAVID H	
			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,707

Applicant(s)

PARRIS ET AL.

Examiner

David H. Bollinger

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3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133)..
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5,7,8,11,13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,7,8,15 and 16 is/are allowed.
- 6) ☒ Claim(s) 11,13 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 11, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of Cunningham and Block.

Landis, II et al. teaches a wipe dispenser including a container 12 for a plurality of wipes in a roll separated along perforations; a lid 13 and a disposal chamber 44 (see column 6 lines 36-41). Landis, II et al. fails to teach means for attaching the container to disparate articles and providing for a multipack arrangement of wipe dispensers.

Cunningham teaches a multipack arrangement for containers when it is desired to provide multiple dispensers for purchase (see Figures 1-3).

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It would have been obvious to one of ordinary skill in the art to provide a multipack of dispenser containers of Landis, II et al. in an arrangement such as taught by Cunningham as such grouping of containers for marketing is well known.

Block teaches providing attachment means 34 for permitting attachment of the dispenser at a desired location (see column 5 lines 28-44).

It would have been obvious to one of ordinary skill in the art to provide Landis, II et al. with such attachment means as taught by Block to permit the dispensing container to be secured at a desired location on disparate articles.

The particular type of wipe in each container of the multipack is considered intended use and does not constitute a patentable departure from the prior art. Alternatively, it is well known in the art to package containers have different contents together in a multipack for the convenience of the consumer.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al. in view of Cunningham and Block as applied to claims 11, 13 and 19 above, and further in view of McPherson.

Landis, II et al, as modified by Cunningham and Block, fails to teach the disposal chamber comprising a bag attached to the container.

McPherson teaches a dispensing container having a disposal chamber attached to the container. The disposal chamber taking the form of a bag 12 attached to the container (see Figures 1 and 2).

It would have been obvious to one of ordinary skill in the art to provide Landis, II et al with a disposal chamber in the form of a bag attached to the container as taught by McPherson. This would provide the advantage of providing for disposal of used wipes as desired in Landis, II et al while maintaining the dispensing opening clear of used articles. Clearly a desirable result.

5. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of Cunningham and Block as applied to claims 11, 13 and 19 above, and further in view of May et al.

Landis, II et al, as modified by Cunningham and Block, fails to teach the disposal chamber being formed by a complementary telescoping hollow cylinder which slides over the sides of the container at the closed bottom of the container.

May et al teaches the disposal chamber of a dispenser of tissues or towels which comprises a complementary shaped hollow structure which slides over the dispensing container.

In view of the teachings of May et al, it would have been obvious to one of ordinary skill in the art to employ a disposal chamber constructed as a complementary telescoping cylinder to slide over the closed bottom of the container of Landis, II et al. This would provide the advantage of providing for disposal of used wipes as desired in Landis, II et al while maintaining the dispensing opening clear of used articles. Clearly a desirable result.

6. Claims 4, 5, 7, 8, 15 and 16 are allowed.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chung, Garland, French et al, Kuethe and Capo are cited to show packaging containers with different contents or different items in the same package for the convenience of the consumer.
8. Applicant's arguments filed 18 March 2005 have been fully considered but they are not persuasive. Applicant's arguments have been responded to in the above rejection.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Bollinger whose telephone number is 571-271-

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6935. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner 6/12/05
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